

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

UNITED STATES)	
)	
v.)	CR 18-292
)	
ROBERT BOWERS)	
)	

MEMORANDUM ORDER

The parties and the Court have engaged in ongoing discussions regarding the deadlines for mental health evidence in this matter. Defendant has filed a Motion for Leave to file a status report regarding its progress, under seal and ex parte. [339]. The Government has filed a response. [372]. The Government objects to the Defendant’s Motion on grounds of delay and because ex parte proceedings are disfavored. Defendant’s Motion, filed on October 30, 2020, related to the Status Report filed the same day, and the telephone conference on November 2, 2020, at which mental health deadlines were to be discussed. Defendant, in particular, wished to provide the Court with specifics regarding the state of its mental health investigation and expert work. At this juncture, the Court does not require such specifics; the pertinent deadlines have not been set, and the Motion will be denied as moot.

While the Government’s position is well-taken, this capital case represents serious consequences. In addition, the country is in the grip of an unprecedented pandemic. As stated in Chief Judge Hornak’s October 30, 2020 Administrative Order at Docket No. 2:20-mc-394, within this District, pandemic-related restrictions have “materially and substantially impaired or wholly curtailed, and continue to impair, the ability of defense counsel to engage in necessary case and field investigations and client consultations, particularly but not exclusively as to

detained defendants.” The Court fully appreciates the various interests at stake and will make every effort to avoid undue delay, but the gravity of the effects of COVID-related restrictions in this matter cannot be ignored.

A telephone conference is scheduled for January 12, 2021, at 1:00 PM. At that conference, the defense shall be prepared to discuss deadlines relating to mental health issues, and the Court anticipates setting deadlines. In addition, Defendant shall file an interim report by December 29, 2020, apprising the Court of its progress. The Government is correct that ex parte proceedings are disfavored; in all cases, and particularly those of unique public interest, the decision to permit private filings is consequential. At this juncture, it appears that the defense should be able to apprise the Court of its progress without revealing protected information, as it did in the Status Report filed on October 30, 2020.

AND NOW, this 13th day of November, 2020, IT IS SO ORDERED.

BY THE COURT:

A handwritten signature in black ink, reading "Donetta W. Ambrose", written in a cursive style.

Donetta W. Ambrose
Senior Judge, U.S. District Court